

**AMENDMENT OFFERED BY MR. RUSH (FOR  
HIMSELF AND MR. HALL)  
TO THE AMENDMENT IN THE NATURE OF A  
SUBSTITUTE**

At the end of the bill, insert the following:

**1 SEC. 2. REPORT.**

2       Not later than one year after the date of enactment  
3 of this Act, and every two years thereafter, the Secretary  
4 shall submit to the Congress a report on the adequacy of  
5 the Nuclear Waste Fund that includes an assessment of  
6 whether current unexpended balances in the Fund, if  
7 made fully available to the Secretary, would affect annual  
8 fee determinations (including whether a reduction to the  
9 fee may be necessary) made pursuant to section 302(a)(4)  
10 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
11 10222(a)(4)). The report shall also include recommenda-  
12 tions to Congress on whether this Act should be extended  
13 beyond its current expiration date of September 30, 2009,  
14 and whether alternative approaches may be necessary to  
15 access unexpended balances in the Nuclear Waste Fund.